

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DONNA WOOD, et al., individually and
on behalf of all others similarly situated,

Plaintiffs,

-v-

No. 1:20-CV-2489-LTS-GWG

MIKE BLOOMBERG 2020, INC.,

Defendant.

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ORDER CERTIFYING MATTER TO THE ATTORNEY GENERAL OF THE UNITED STATES

The Court has received and reviewed the Notice of Constitutional Question Pursuant to Fed. R. Civ. P. 5.1 (docket entry no. 483) filed by Mike Bloomberg 2020, Inc. (the “Campaign” or “Defendant”), providing notice that its memoranda of law in support of its motions to decertify the collective (docket entry no. 433) and for summary judgment (docket entry no. 445) raise constitutional challenges. Specifically, the Campaign asserts that it would violate the First Amendment to the Constitution to require the Campaign to pay Plaintiffs, who are former field organizers for the Campaign, overtime under state and federal statutes.

Where “[a] party . . . files a pleading, written motion, or other paper drawing into question the constitutionality of a federal or state statute,” the Federal Rules of Civil Procedure mandate that the Court certify the constitutional challenge to the Attorney General of the United States “or on the state attorney general if a state statute is questioned.” Fed. R. Civ. P. 5.1.

It is hereby ORDERED that the Campaign’s challenge to the constitutionality of Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201, et seq., as applied to political campaigns, is certified to the Attorney General of the United States; and it is further

ORDERED that the Campaign’s challenge to the constitutionality of New York Labor Law Article 6, § 190 et seq., Article 19, § 650 et seq., and N.Y. Comp. Codes R. & Regs. tit. 12, § 142-2.2, as applied to political campaigns, is certified to the Attorney General of the State of New York; and it is further

ORDERED that the Campaign’s challenge to the constitutionality of California Wage Order Nos. 4-2001 & 7-2001, Cal. Lab. Code §§ 510, 512, 1194, 1198, California Business & Professions Code §§ 17200 et seq., and California Private Attorney General Act of 2004 (“PAGA”) (Cal. Labor Code §§ 2698 et seq.), as applied to political campaigns, is certified to the Attorney General of the State of California; and it is further

ORDERED that the Campaign's challenge to the constitutionality of Michigan Workforce Opportunity Wage Act (Mich. Comp. Laws §§ 408.414a; 408.412), as applied to political campaigns, is certified to the Attorney General of the State of Michigan; and it is further

ORDERED that the Campaign's challenge to the constitutionality of Wis. Stat. §§ 103 and 104, and Wis. Admin. Code § DWD 274.03, as applied to political campaigns, is certified to the Attorney General of the State of Wisconsin; and it is further

ORDERED that the Campaign's challenge to the constitutionality of Illinois Minimum Wage Law (820 ILCS 105/1 et seq.), as applied to political campaigns, is certified to the Attorney General of the State of Illinois; and it is further

ORDERED that the Campaign's challenge to the constitutionality of Minnesota Fair Labor Standards Act (Minn. Stat. §§ 177.23, 177.25) and Minn. R. 5200 et seq., as applied to political campaigns, is certified to the Attorney General of the State of Minnesota; and it is further

ORDERED that the Campaign's challenge to the constitutionality of North Carolina Wage and Hour Act (N.C. Gen. Stat. Ann. § 95-25.1 et seq.), as applied to political campaigns, is certified to the Attorney General of the State of North Carolina; and it is further

ORDERED that the Clerk of this Court shall forward a copy of this Order and the Complaint to the Attorney General of the United States and State Attorneys General of New York, California, Michigan, Wisconsin, Illinois, Minnesota, and North Carolina.

SO ORDERED.

Dated: May 28, 2024

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge

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